

PATENT
574313-2338.1**REMARKS**

Reconsideration and withdrawal of the rejections of the application are requested in view of the amendments and remarks herein.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 38, 40, 42-45 and 68-86 are pending in this application. Claims 38 and 42 are amended to place the claims in better form. No new matter is added.

It is submitted that the claims, herewith and as originally presented, are and were patentably distinct over the prior art, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. The amendments of and additions to the claims, as presented herein, are not made for purposes of patentability within the meaning of 35 U.S.C. §§§§ 101, 102, 103 or 112. Rather, these amendments and additions are made simply for clarification and to round out the scope of protection to which Applicants are entitled. Furthermore, it is explicitly stated that the herewith amendments should not give rise to any estoppel, as the herewith amendments are not narrowing amendments.

Claim Objections

Claims 38 and 42 were objected to for informalities related to the use of "antigen" in those claims. The present amendments address and overcome the objections. Reconsideration and withdrawal are requested.

II. THE DOUBLE PATENTING REJECTION IS OVERCOME

Claims 38, 40, 42-45 and 68-86 were rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1 and 2 of U.S. Patent No. 6,517,843 in view of Meyers *et al.* Claims 38, 40, 42-45 and 68-86 were rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 9-16, 18, 23 and 26 of U.S. Patent No. 6,660,272 in view of Meyers *et al.* A terminal disclaimer to U.S. Patent Nos. 6,660,272 and 6,517,843 is attached.

Reconsideration and withdrawal of the double patenting rejections are requested.

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CONCLUSION

As it is believed that this application is in condition for allowance, an early notice to that effect is earnestly solicited. If, however, there remains any issue outstanding, the Examiner is invited to contact the undersigned for its prompt attention.

Respectfully submitted,

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